

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel.	)	
STATE ENGINEER, <i>et al.</i> ,	)	69cv07896 BB
	)	Rio Pueblo de Taos Adjudication
	)	
Plaintiffs,	)	
	)	
v.	)	69cv7939 BB
	)	Rio Hondo Adjudication
EDUARDO ABEYTA, <i>et al.</i> ,	)	(Consolidated)
and CELSO ARELLANO, <i>et al.</i> ,	)	
	)	Rio Hondo Section
Defendants.	)	Mariposa Ditch
	)	
_____	)	Subfile No. 5.13A

ORDER GRANTING MOTION TO AMEND DEFAULT ORDER

This matter came before the Court on the June 13, 2011, Motion to Amend Default Order (Doc. No. 5484) filed by the State of New Mexico *ex rel.* State Engineer (“State”), and requesting an order amending the December 20, 1971, Default Order (Doc. No. 313). As set forth in the State’s Motion, the Default Order adjudicated water rights appurtenant to a 17.6-acre tract (5.13A) on which the State’s Hydrographic Survey Section found no evidence of water rights, and which is referenced and depicted in the Hydrographic Survey as a “No Right,” that is, a tract of land for which there are no legally recognizable water rights. The Motion thus seeks to amend and conform Subfile 5.13A to the Hydrographic Survey by adjudicating said subfile as a “No Right.” No responses or objections to the State’s Motion were filed. Accordingly, the Court, having considered the Motion, and being otherwise fully advised in the premises, finds that the Motion is well-taken and that it should be GRANTED.

IT IS THEREFORE ORDERED:

1. Subfile No. 5.13A is adjudicated as a “No Right” to conform to the Hydrographic Survey which found no evidence of water rights on said tract.

2. Paragraph No. 6 on Page 4 of the December 20, 1971, Default Order (Doc. No. 313) is hereby amended to state the following with respect to Subfile 5.13A:

**Location:**

**New Mexico State  
Assessment Survey  
(Taos County)**

**State Engineer  
Hydrographic Survey**

**Acreage:**

**Part of Tr. 4.59.2**

**5.13A**

**NO RIGHT ON  
17.6 acres**

**Within the Antonio Martinez or Godoi and Antoine Le Roux Grants, as shown on the State Engineer hydrographic survey map sheet No. 5, tract No. 13A.**

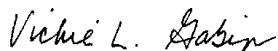
**Amount of water: None**

3. This Order applies only to Subfile 5.13A. All other rights adjudicated in the Default Order (Doc. No. 313) shall remain as stated therein and in other orders of the Court.



CHIEF UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER